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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,565	06/19/2001	Kozo Kawakita	450108-02368	1859
20999	7590	03/19/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			LUK, LAWRENCE W	
			ART UNIT	PAPER NUMBER

2838

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/868,565	KAWAKITA, KOZO	
	Examiner	Art Unit	
	Lawrence W Luk	2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36,38 and 39 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,9,12,13,15,16,20,23,24,26,28,32,35,37,40 and 41 is/are rejected.
- 7) ☒ Claim(s) 3,6-8,10,11,14,17-19,21,22,25,27,29-31,33 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 12, 13, 15, 16, 23, 24, 26, 28 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakanishi et al. (5,959,423).

As to claims 1, 12, 23 and 26, Nakanishi et al. disclose in column 12, lines 6-15, a robot apparatus (11) on which a charging battery (27) is mounted, and a charging device for charging (12) said charging battery mounted on said robot apparatus, see abstract and column 7, lines 8-16, wherein said robot apparatus includes charging indicating means for performing a predetermined movement to indicate an amount of charging in said charging battery on charging said charging battery using said charging device.

As to claims 2, 13 and 24, Nakanishi et al. disclose in column 3, lines 51-54, a robot apparatus has a movable portion and in column 7, lines 10-15, said predetermined movement is a movement to move said movable portion.

As to claims 4, 5, 15, 16 and 28, Nakanishi et al. disclose in column 7, lines 8-15, the predetermined movement is a movement to notify of completion of charging of said

charging battery and characterized in that said predetermined movement is a continuous movement.

As to claim 35, Nakanishi et al. disclose in column 7, lines 8-16, a recording medium in which at least one of robot apparatus charging methods is recorded.

3. Claims 9, 20, 32, 37, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Takenaka et al. (6,064,167).

As to claim 37, Takenaka et al. disclose in column 2, line 23-67, a program for charging a charging battery mounted on a robot apparatus by causing said robot apparatus, on charging said charging battery to perform a predetermined movement in accordance with an amount of charging of said charging battery, wherein said predetermined movement is of a body portion of the robot apparatus.

As to claim 40, Takenaka et al. disclose in column 2, line 23-67, a charging device for charging a charging battery mounted on a robot apparatus, characterized by causing said robot apparatus, on charging said charging battery, to perform a predetermined movement in accordance with an amount of charging of said charging battery, wherein said predetermined movement is a movement to notify of completion of charging of said charging battery.

As to claim 41, Takenaka et al. disclose in column 2, line 23-67, A robot apparatus charging method for charging a charging battery mounted on a robot apparatus, characterized by causing said robot apparatus on charging said charging

battery, to perform a predetermined movement in accordance with an amount of charging of said charging battery, wherein said robot apparatus caused to perform a predetermined movement at completion of charging of said charging battery.

As to claims 9, 20 and 32, Takenaka et al. disclose in figure 6, column 13, line 58 to column 14, line 4, the characterized in that said robot apparatus has legs, and said predetermined movement is a movement to raise said legs.

Allowable Subject Matter

4. Claims 36, 38 and 39 are allowed.

Claim 36 is allowable. The reason for allowance is that the prior art of record, Nakanishi et al. (5,959,423), disclose a robot apparatus comprising movement generating means for generating a movement, but fails the detection means for detecting that a predetermined area is rocked.

Claim 38 is allowable. The reason for allowance is that the prior art of record, Takenaka et al. (6,064,167), disclose a robot apparatus charging system comprising: a charging device for charging said charging battery mounted on said robot apparatus, said predetermined movement is a movement to change a pose of said robot apparatus from a first pose during charging, but fails to disclose to a second pose to notify of completion of charging by moving said movable portion at completion of charging of said charging battery.

Claim 39 is allowable. The reason for allowance is that the prior art of record, Takenaka et al. (6,064,167), disclose a robot apparatus characterized by performing, on

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charging a charging battery mounted thereon. a predetermined movement in accordance with an amount of charging of said charging battery, wherein said predetermined movement is a movement to change a pose of said robot apparatus from a first pose during charging, but fails to disclose to a second pose to notify of completion of charging by moving said movable portion at completion of charging of said charging battery.

5. Claims 3, 6-8, 10, 11, 14, 17-19, 21, 22, 25, 27, 29-31, 33 and 34 are objected to as being dependent upon a rejected base claim.

As to claims 3, 14, 25 and 27, the robot apparatus charging system, the characterized in that said predetermined movement is a movement to change a pose of said robot apparatus from a first pose during charging to a second pose to notify of completion of charging by moving said movable portion at completion of charging of said charging battery.

As to claims 6, 17 and 29, the robot apparatus charging characterized in that said robot apparatus has a head, and said predetermined movement is a movement to raise said head.

As to claims 7, 18 and 30, the robot apparatus charging characterized in that said robot apparatus has forelegs and hind legs, and said predetermined movement is a movement to lift said forelegs.

As to claims 8, 19 and 31, the robot apparatus charging characterized in that said robot apparatus has a tail, and said predetermined movement is a movement to wag said tail.

As to claims 10, 21 and 33, the robot apparatus charging characterized in that said robot apparatus has a speaker, and said predetermined movement is a movement to make a sound through said speaker.

As to claims 11, 22 and 34, the robot apparatus charging characterized in that said robot apparatus has voice generating means for generating a predetermined voice and a speaker, and said predetermined movement is a movement to output said voice generated by said voice generating means through said speaker.

Claims 3, 6-8,10,11, 14, 17-19, 21, 22, 25, 27, 29-31, 33 and 34 would be allowable if rewritten in independent from including all of the limitations of the bass claim.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W Luk whose telephone number is (571)272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571)272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LWL
March 9, 2004

Lawrence Hult
examiner
3/9/04